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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,663	09/30/2003	Richard I. Pudney	KP0001	5813

41012 7590 02/10/2005

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PATENT DEPARTMENT
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STERLING HEIGHTS, MI 48314

EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,663

Applicant(s)

PUDNEY, RICHARD I.

Examiner

Gary Estremsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitation of "the vehicle" at line 8 lacks clear antecedent basis but makes scope of claim uncertain as to whether or not the claimed invention includes a "vehicle" as part of the invention due to its particular phraseology.

Additionally, it is not clear what the scope of "quick releas" at last line of claim 1 should include. 'As best understood', the claim should be amended to include -from its actuated position-, noting that otherwise, 'quick release' could be considered broad enough to include simply moving one's hand out of contact with the handle quickly.

Additionally as regards claim 3, it is not clear what the scope of "a determinable angle" should include.

Additionally as regards claim 5, since a 'second axis' does not have antecedent basis in claim 1, the scope and meaning of "a third axis" is confusing. For example, can it be properly interpreted as requiring three axis when only two are claimed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 1,923,411 to Armstrong.

Armstrong '411 teaches Applicant's claim limitations including : a "door handle" - 26, a "first bias spring" - 3, a "lock button" - 14, a "lever assembly" - including 21,22. The broadly-phrased functional recitations have been carefully considered but they do not define any particular structure of the claimed product that can be relied upon to patentably distinguish from the well known structure of the prior art otherwise reading on all explicitly-recited structure comprising scope of the claimed invention. See MPEP 2114.

More specifically as regards recitation of "the lock button is capable of inadvertently being moved to its locked position by at least operation of the door handle" - written description describes same at page 2, lines 2-4 for example where 'inadvertent' is nothing more than intention or lack of same but in neither case does its recitation patentably distinguish from structure inherently capable of being inadvertently used in the manner described. More specifically as regards recitation of "a release of the door handle *under certain conditions* from its activated position initiates movement of the lock button to its locked condition",

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after turning handle 26 of the prior art, release of the handle and simultaneous pushing in of button 14 will initiate its movement to the locked position. As regards a "lever assembly for blocking the lock button from moving to the locked position of the lock button in response to quick release of the door", pressing 21 inwards during a quick release of the handle will inherently block 14 from moving inwards to its locked position.

As regards claim 9, contact of part 14 with the end of slot 12 of part 4 performs function of preventing the lever assembly from rotating further in the locking direction and is equivalent to stop structure presently disclosed.

5. Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 2,200,714 to Falk.

Falk '714 teaches Applicant's claim limitations including : a "door handle" - 17, a "first bias spring" - one of ordinary skill in the art would recognize that teaching of the reference inherently includes a spring means for biasing the latch bolt outwardly where through its interaction with the spindle the handle is biased towards a latched rest position, a "lock button" - 41, a "lever assembly" - including 45. The broadly-phrased functional recitations have been carefully considered but they do not define any particular structure of the claimed product that can be relied upon to patentably distinguish from the well known structure of the prior art otherwise reading on all explicitly-recited structure comprising scope of the claimed invention. See MPEP 2114. More specifically as regards recitation of "the lock button is capable of inadvertently being moved to its locked

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position by at least operation of the door handle" - prior art describes placement of 41 with respect to the handle 17 whereby both will be operated by a hand (Fig 1) where 'inadvertent' is nothing more than intention or lack of same but in neither case does its recitation patentably distinguish from structure inherently capable of being inadvertently used in the manner described.

More specifically as regards recitation of "a release of the door handle *under certain conditions* from its activated position initiates movement of the lock button to its locked condition", a hand allowing the handle to return to its released position and at the same time pressing 41 towards its locked position reads on broad recitation. See (col 2; lines 6-12). Examiner notes that while Applicant may have disclosed a specific mechanical structure for performing the function, that structure is not specifically defined in the claim whereby it cannot patentably distinguish from a human hand that performs the recited function identically. As regards a "lever assembly for blocking the lock button from moving to the locked position of the lock button in response to quick release of the door", having part 45 in the unlocked position will prevent the lock button from moving towards the locked position no matter how quickly it is released.

As regards claim 3, the relevant axis of the prior art can be determined to be at an angle of approximately 0 degrees from review of the drawings.

Allowable Subject Matter

6. Claims 2, 4, and 6-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 1,583,079 to Lurie.

U.S. Pat. No. 5,011,202 to Kato.


U.S. Pat. No. 5,895,081 to Tanimoto.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 703 308-0494. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary Estremsky
Primary Examiner
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